

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

John J. Gosselin

v.

Civil No. 12-cv-514-SM

Christopher Kench et al.¹

O R D E R

Before the court is plaintiff John J. Gosselin's motion for appointment of counsel (doc. no. 8). The court has discretion to deny such an appointment in a civil case, unless the indigent litigant shows that his case presents exceptional circumstances, such that fundamental unfairness, impinging upon the right to due process, is likely to result if counsel is not appointed. See DesRosiers v. Moran, 949 F.2d 15, 23 (1st Cir. 1991).

Gosselin has demonstrated an ability to file cogent pleadings and motions. Gosselin's indigency, incarceration,

¹Plaintiff names the following defendants: New Hampshire Department of Corrections ("DOC") Security and Training Director Christopher H. Kench; DOC Commissioner William L. Wrenn; DOC Classifications Officer Kimberly Lacasse; DOC Hearings Officer "Ike" Barton; New Hampshire State Prison ("NHSP") Warden Richard M. Gerry; NHSP Maj. Jonathan Fouts; NHSP Unit Manager Robert McGrath; NHSP Lt. James J. Brown; NHSP Sgt. Thomas Messina; NHSP Sgt. Bonnie Johnson; NHSP Corrections Officer Eric Turner; two unnamed NHSP Special Housing Unit officers identified as "Cpl. First Shift" and "OIC Third Shift"; NHSP Social Worker David Garbac; and NHSP inmate Ronald Clark.

health issues, and incomplete education do not, at this time, threaten to result in fundamental unfairness. Furthermore, the report and recommendation issued this date recommends dismissal of all of Gosselin's claims. Accordingly, the motion to appoint counsel (doc. no. 8) is denied without prejudice to refiling if that report and recommendation is not accepted, and if exceptional circumstances should arise warranting an appointment.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

June 7, 2013

cc: John J. Gosselin, pro se

LBM:nmd